

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG, PA

CAPTION:  
Mark Garnes

DISTRICT COURT NO. 1:CV-00-700

Vs  
Janet Reno, et al.

CT. OF APPEALS NO. \_\_\_\_\_

NOTICE OF APPEAL FILED January 6, 2003

COURT REPORTER(S) \_\_\_\_\_

FILING FEE:

NOTICE OF APPEAL ☐ PAID ☒ NOT PAID ☐ SEAMAN

DOCKET FEE ☐ PAID ☒ NOT PAID ☐ USA

CJA APPOINTMENT: (Attach Copy of Order)

☐ PRIVATE ATTORNEY  
☐ DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER  
☐ MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:  
(Attach Copy of Order)

☐ MOTION GRANTED (IN FIRST INSTANCE)  
☐ MOTION DENIED (IN FIRST INSTANCE)  
☐ MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):  
(Attach copy of Order)

☐ GRANTED  
☐ DENIED  
☐ PENDING

COPIES TO:  
Judge Caldwell  
Mark Garnes  
Kate Mershimer, Esquire  
Pro Se Law Clerk  
File Copy

PREPARED BY Jill Cardile  
Deputy Clerk

Date: January 14, 2003



UNITED STATES DISTRICT COURT  
for the  
MIDDLE DISTRICT OF PENNSYLVANIA  
William J. Nealon Federal Bldg & U.S. Courthouse  
235 North Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501-1148

MARY E. D'ANDREA  
Clerk of Court

(570) 207-5600 FAX (570) 207-5650  
Internet Address: [www.pamd.uscourts.gov](http://www.pamd.uscourts.gov)

Divisional Offices:

Harrisburg: (717) 221-392  
Williamsport: (570) 323-638

Office of the Clerk  
United States Court of Appeals  
for the Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1790

**RE: Mark Garnes vs. Janet Reno, et al.**

**USDC NO: 1:CV-00-700**

**USCA NO:**

**E-mail Account: All correspondence should be sent to the e-mail account:  
PAMDAPPEAL1**

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

    X    

**Civil Prisoner Case: Case file and docket sheet available through  
RACER.**

**Non-Prisoner *Pro Se* Civil Case: Notice of Appeal and Docket Sheet  
available through RACER.**

**Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and  
Docket Sheet available through RACER.**

**Civil Prisoner Case:          Supplemental Record filed. Documents and  
docket sheet available through RACER.**

**Non-Prisoner Civil Case or Criminal Case:  
         Supplemental Record filed. Docket Sheet available through  
RACER.**

The Clerk's Office hereby certifies the record and the docket sheet available  
through RACER to be the certified list in lieu of the record and/or the certified copy of the  
docket entries.

Very truly yours,

s/ Jill Cardile  
Deputy Clerk

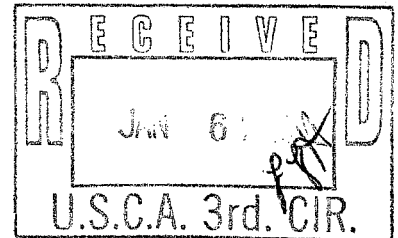
Date: January 14, 2003

JUDGE'S COPY

Mark A. Garnes  
Reg. No. 24646-053  
P.O. Box 1000-A1  
FCI Cumberland  
Cumberland, Maryland  
21502

COPIES

December 23rd, 2002



Clerk of the Court  
United States Court of Appeals  
For the Third Circuit  
601 Market Street  
Philadelphia, Pa. 19106

FILED  
HARRISBURG  
JAN 17 2003

RE: Mark Garnes v. Janet Reno, et al., 02-1910

Dear Sir/Madam:

MARY E D'AMOREA  
Per [Signature]  
Deputy Clerk

Per the district court's order thereto Appellant/Petitioner's  
Motion for Preliminary Injunction; Motion for Leave to Amend  
Complaint pursuant Rule 15 and Motion pursuant to Rule 8(a)(1)  
being dismissed, here attached. Thus, per the Court of Appeals  
directive that the matter must be adjudicated in the first instance  
before being heard accordingly, Petitioner here now submits,  
respectfully that the Court of Appeals here the aforementioned  
Motions due to the dismissal thereby the district court.

Thanking you in advance to the held.

Respectfully yours,  
[Signature]  
Mark A. Garnes

CERTIFICATE OF SERVICE

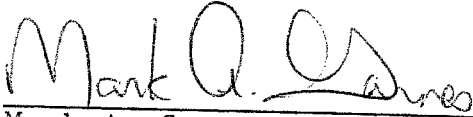
I, Mark A. Garnes, Petitioner/Appellant/Plaintiff, Pro Se, hereby swears under the penalty of perjury pursuant to 28 U.S.C. § 1746, that I have forward to the Clerk of the Court, a Letter of Request to Consider Appellant/Petitioner's Motion pursuant to Rule 8(a); 15(c); and Preliminary Injunction. With an additonal copy being forward to opposing counsel. Each of which has been forward to the following addresses, respectively:

MAILED TO:

CLERK OF THE COURT  
United States Court of Appeals  
For the Third Circuit  
601 Market Street  
Philadelphia, Pa. 19106

Kate L. Mershimer, AUSA  
United States District Court  
Middle District of Pa.  
228 Walnut Street, Room 217  
Harrisburg, Pa. 17108

DATED: December 30th, 2002  
Cumberland, Maryland

  
Mark A. Garnes - Pro Se  
Reg. No. 24646-053  
P.O. Box 1000-A1  
FCI Cumberland  
Cumberland, Maryland  
21502

(5)  
12/3/02  
JSM

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

MARK GARNES,

Plaintiff

v.

JANET RENO, et. al.,

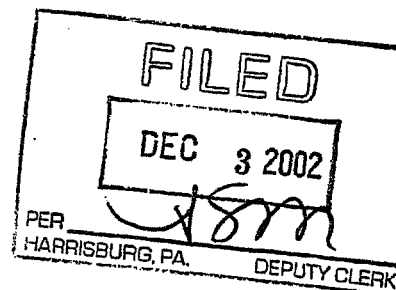
Defendants

CIVIL NO. 1:CV-00-0700

(Judge Caldwell)

ORDER

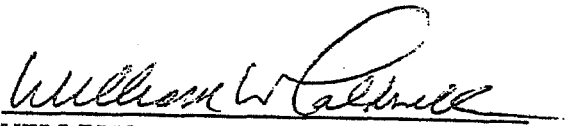
THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:



Via order of March 19, 2002, the court granted defendant summary judgment in this case, which disposed of all pending matters, and directed the clerk to close the file. Garnes then appealed that order to the Third Circuit. On November 21, 2002, the court of appeals dismissed Garnes' appeal as lacking an arguable basis in law or fact pursuant to 28 U.S.C. § 1915(e)(2)(B)(1).

On November 21, 2002, Garnes filed the following motions: (1) motion for preliminary injunction (doc. 49); (2) motion for leave to amend complaint pursuant to Fed.R.Civ.P. 15 (doc. 50); and (3) motion pursuant to Fed. R. Civ. P. 8(a)(1) (doc. 51). However, since this matter is no longer before us, we have no jurisdiction to address Garnes' motion. Further, as the Third Circuit recently dismissed Garnes' appeal in this matter, Garnes' recent motions will be dismissed as there is no case pending.

AND NOW, this 3rd day of December, 2002, it is ordered that Plaintiff's motion for preliminary injunction (doc. 49), motion for leave to amend complaint pursuant to Fed. R. Civ. P. 15 (doc. 50), and motion pursuant to Fed. R. Civ. P. 8(a)(1) (doc. 51) are dismissed.

  
WILLIAM W. CALDWELL  
United States District Judge